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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,891	08/30/2001	Michael Gary Platner	050415	2086

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EXAMINER

GOLD, AVI M

ART UNIT PAPER NUMBER

2157

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/943,891	PLATNER ET AL.	
	Examiner	Art Unit	
	Avi Gold	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 1,3,4,6,7,9,11-23,26-29,31,32 and 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

The amendment received on August 22, 2005 has been entered and fully considered. Claims 19-23 were cancelled. Claims 8, 24, 25, 30, and 36 were amended. Claim 2, 5, 8, 10, 24, 25, 30, 33, 34, and 36-39 are currently pending.

### ***Response to Amendment***

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 8, 10, 25, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Arlach et al., U.S. Patent No. 6,026,433 further in view of Kobayakawa et al., U.S. Patent No. 6,119,078.

D'Arlach teaches the invention substantially as claimed including creating and maintaining a Web site in client-server network environments (see abstract).

As to claim 8, D'Arlach teaches a method for automatically generating a web document in real time comprising:

providing at least one prearranged web document wherein said at least one prearranged web document is capable of being displayed on a computer using a web

browser (col. 5, lines 14-21, D'Arlach discloses an existing template that can be displayed by a browser in a client computer);

providing a database with preprogrammed information (col. 5, lines 1-3, D'Arlach discloses a template database);

providing a form document (col. 6, lines 25-29, D'Arlach discloses an editing form);

selecting user variables wherein said user variables are selected from said preprogrammed information using said form document (col. 6, lines 25-29, D'Arlach discloses a user selecting attributes from the form); and

automatically generating a user web document adapted for display on said computer, wherein said user web document is generated based on said desired user variables and said form document, said user web document being electronically linked to said prearranged web document (col. 6, lines 40-44, D'Arlach discloses in response to user choices a customized Web page being displayed).

D'Arlach fails to teach the limitation further including user variables in a first language, said user web document generated in a second language, and wherein said first and second languages are spoken languages..

However, Kobayakawa teaches data processing systems, methods and computer program products for translating documents written in foreign languages (see abstract). Kobayakawa teaches the use of a user choosing a translation environment and foreign and native languages for translation (col. 6, lines 35-48).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify D'Arlach in view of Kobayakawa to use user variables in a first language, have the user web document generated in a second language, and use spoken languages. One would be motivated to do so because it allows for users with different native languages to view the same web document in their language (col. 2, lines 1-4).

Regarding claim 2, D'Arlach and Kobayakawa teach the method of claim 8, wherein said at least one prearranged web document comprises a prearranged set of web documents (col. 5, lines 26-29, D'Arlach discloses a user choosing from different templates).

As to claim 10, D'Arlach and Kobayakawa teach the method of claim 8, further comprising automatically determining said second language from said computer or said web browser (col. 9, lines 1-6, Kobayakawa discloses the use of translating foreign language into native language; the native language being the language used by the computer).

As to claims 25, D'Arlach and Kobayakawa teach the method of claim 8.

D'Arlach fails to teach the limitation further including automatic determination of said second language from said computer or said web browser.

However, Kobayakawa teaches the use of translating foreign language into native language; the native language being the language used by the computer (col. 9, lines 1-6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify D'Arlach in view of Kobayakawa to automatically determine said second language from said computer or said web browser. One would be motivated to do so because it allows for users with different native languages to view the same web document in their language.

As to claim 36, D'Arlach teaches a computer program product, tangibly stored on a computer-readable medium, for dynamically creating a web-based document in a spoken language from a web-base form document in a different spoken language, comprising instructions operable to cause a programmable processor to:

receive the web-base form document, wherein the web-base form document comprises prearranged document template information (col. 5, lines 14-21, col. 6, lines 25-29);

detecting one or more user variables (col. 6, lines 25-29);

dynamically creating the web-based document using one or more user variables, wherein the web-based document is generated from the web-based form document

according to the prearranged document template information (col. 5, lines 14-21, col. 6, lines 25-29, lines 40-44).

D'Arlach fails to teach the limitation further including the document in a default spoken language, automatically detecting a default spoken language for the document, and user variables indicating a desired spoken language that is different from the default spoken language.

However, Kobayakawa teaches data processing systems, methods and computer program products for translating documents written in foreign languages (see abstract). Kobayakawa teaches the use of a user choosing a translation environment and foreign and native languages for translation (col. 6, lines 35-48).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify D'Arlach in view of Kobayakawa to use a document in a default spoken language, automatically detecting a default spoken language for the document, and user variables indicating a desired spoken language that is different from the default spoken language. One would be motivated to do so because it allows for users with different native languages to view the same web document in their language (col. 2, lines 1-4).

3. Claims 5, 33, 34, and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Arlach and Kobayakawa further in view of Evans, III, U.S. Patent No. 5,732,231.

D'Arlach teaches the invention substantially as claimed including creating and maintaining a Web site in client-server network environments (see abstract).

Kobayakawa teaches the invention substantially as claimed including data processing systems, methods and computer program products for translating documents written in foreign languages (see abstract).

As to claims 5 and 37, D'Arlach and Kobayakawa teach the method of claims 8 and 36.

D'Arlach and Kobayakawa fail to teach the limitation further including the user web document and the prearranged web document both relating to the funeral industry.

However, Evans teaches a monitoring apparatus for providing information concerning the life of a deceased to visitors to a funeral home (see abstract). Evans teaches the use of a PC and a display for the retrieval of information of a deceased individual (col. 2, lines 13-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify D'Arlach and Kobayakawa in view of Evans to use a user web document and the prearranged web document both relating to the funeral industry. One would be motivated to do so because it allows an efficient way to develop personalized web documents regarding a deceased.

As to claim 33, D'Arlach, Kobayakawa, and Evans teach the system of claim 30 wherein said user variables are in a first language and said user web document is generated in a second language (col. 6, lines 35-48, Kobayakawa).



As to claim 34, D'Arlach, Kobayakawa, and Evans teach the system of claim 33, wherein said first and second languages are spoken languages (col. 6, lines 35-48).

Regarding claim 38, D'Arlach, Kobayakawa, and Evans teach the product of claim 37, wherein the product is configured to allow a user to create a web-based document comprising information for a deceased person in the desired spoken language (col. 6, lines 35-48).

Regarding claim 39, D'Arlach, Kobayakawa, and Evans teach the product of claim 38, wherein when the web-based form document is change, automatically updating the created web-based document (col. 7, lines 25-40, D'Arlach discloses automatic updates after changes).

4. Claim 30 rejected under 35 U.S.C. 103(a) as being unpatentable over D'Arlach in view of Kobayakawa et al., U.S. Patent No. 6,119,078, further in view of Evans, III, U.S. Patent No. 5,732,231.

D'Arlach teaches the invention substantially as claimed including creating and maintaining a Web site in client-server network environments (see abstract).

As to claim 30, D'Arlach teaches a system that automatically generates a web document in real time comprising:

a database with preprogrammed information (col. 5, lines 1-3);

a form document (col. 6, lines 25-29);  
user variables wherein said user variables are selected from said  
preprogrammed information using said form document (col. 6, lines 2-29); and  
a user web document that is capable of being displayed on a computer using a  
web browser, wherein said user web document is automatically generated based on  
said desired user variables and said form document (col. 6, lines 40-44),

D'Arlach fails to teach the limitation further including selecting a desired spoken  
language from a choice of languages for said form document, and said user web  
document is automatically generated in real time in said desired spoken language,  
wherein said user web document relates to the funeral industry.

However, Kobayakawa teaches data processing systems, methods and  
computer program products for translating documents written in foreign languages (see  
abstract). Kobayakawa teaches the use of a user choosing a translation environment,  
automatic translation, and foreign and native languages (col. 6, lines 35-48).

It would have been obvious to one of ordinary skill in the art at the time of the  
invention to modify D'Arlach in view of Kobayakawa to select a desired spoken  
language from a choice of languages for said form document, and said user web  
document is automatically generated in real time in said desired spoken language. One  
would be motivated to do so because it allows for users with different native languages  
to view the same web document in their language (col. 2, lines 1-4).

D'Arlach and Kobayakawa fail to teach the limitation further including the user  
web document relating to the funeral industry.

However, Evans teaches a monitoring apparatus for providing information concerning the life of a deceased to visitors to a funeral home (see abstract). Evans teaches the use of a PC and a display for the retrieval of information of a deceased individual (col. 2, lines 13-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify D'Arlach and Kobayakawa in view of Evans to use a user web document and the prearranged web document both relating to the funeral industry. One would be motivated to do so because it allows an efficient way to develop personalized web documents regarding a deceased.

5. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over D'Arlach and Kobayakawa further in view of Dan et al., U.S. Patent No. 6,560,639.

D'Arlach teaches the invention substantially as claimed including creating and maintaining a Web site in client-server network environments (see abstract). Evans teaches the invention substantially as claimed including a monitoring apparatus for providing information concerning the life of a deceased to visitors to a funeral home (see abstract).

As to claim 24, D'Arlach and Kobayakawa teach the method of claim 8.

D'Arlach and Kobayakawa fail to teach the limitation further including the step of automatically generating a user web document comprising automatically generating a user web document using computer software programmed in PHP.

However, Dan teaches a method and system for integrating site architecture, navigation, design, and management (see abstract). Dan teaches the use of a web page made in PHP (col. 27, lines 60-63).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify D'Arlach and Kobayakawa in view of Dan to use a PHP web document. One would be motivated to do so because PHP is a known and efficient format for web document programming.

### ***Response to Arguments***

6. Applicant's arguments filed August 22, 2005 have been fully considered but they are not persuasive.

7. Regarding the argument to the claims 8 and 30, the applicant argues that the reference, Kobayakawa, does not disclose the dynamic generation of a web document and that the translation of a web page is actually just a link for a similar web page. The examiner disagrees, as seen in, column 3, there is the translation and dynamic generation of one web page to another and automatic Web page translations.

8. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., dynamic web page generation) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

9. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the knowledge is generally available in the Kobayakawa reference.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,260,039 to Schneck et al.

U.S. Pat. No. 6,292,772 to Kantrowitz

U.S. Pat. No. 6,340,978 to Mindrum

U.S. Pat. No. 6,490,547 to Atkin et al.

U.S. Pat. No. 6,609,150 to Lee et al.

U.S. Pat. No. 5,784,562 to Diener

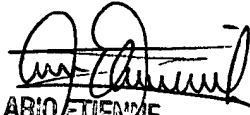
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 571-272-4002. The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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